1960 No. 657

The Hill Sheep (Northern Ireland) Scheme, 1960

Made - - - -	31*st March*, 1960
Laid before Parliament	6*th April*, 1960
Coming into Operation	7*th April*, 1960

The Minister of Agriculture, Fisheries and Food, in pursuance of Sections 13 and 17 of the Hill Farming Act, 1946(a), as amended by Section 2 of the Hill Farming Act, 1956(b), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following Scheme :—

Citation, Application and Commencement

1. This Scheme which may be cited as the Hill Sheep (Northern Ireland) Scheme, 1960 and applies to Northern Ireland, shall come into operation on the 7th day of April, 1960.

Interpretation

2.—(1) The Interpretation Act, 1889(c), shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

(2) In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" the Act " means the Hill Farming Act, 1946, as amended by the Hill Farming Act, 1956, or any other enactment ;

" hill land " means mountain, hill and heath land which is suitable for use for the maintenance of sheep of a hardy kind but not of sheep of other kinds ;

" the Minister " means the Minister of Agriculture, Fisheries and Food ;

" relevant day " means in relation to the year 1959 and to each of the three next succeeding years the 1st day of December ;

" shearling ewe " means a ewe whose age on the relevant day to which an application for subsidy payment relates, exceeds one year, but does not exceed two years ;

" subsidy payment " means any payment falling to be made in respect of any ewe or shearling ewe in accordance with the provisions of this Scheme.

Subsidy Payments

3. Subject to the provisions of this Scheme, the Minister may make a subsidy payment of such amount as may be prescribed by an Order made by the Minister in accordance with the provisions of subsection (3) of Section 14 of the Act in respect of any shearling ewe or any ewe more than two years old comprised on a relevant day in a flock of sheep kept on hill land, being sheep of a description and flock to which the Scheme applies, to the person who, at the beginning of that day, was maintaining that flock.

(a) 9 & 10 Geo. 6. c. 73. (b) 4 & 5 Eliz. 2. c. 72. (c) 52 & 53 Vict. c. 63.

Person maintaining Flock

4. For the purposes of this Scheme the person maintaining a flock of sheep shall be the person who owns the flock and is responsible for its maintenance.

Sheep Eligible

5. This Scheme shall apply to—

(*a*) shearling and older ewes of the Blackface and Cheviot Breeds and of such other breeds of hardy mountain type as the Minister may approve,

(*b*) any crossbred shearling or older ewe the progeny of any of these breeds, and

(*c*) any of the aforesaid shearling and older ewes when mated with a ram of the Border Leicester or Kerry Hill breed.

Flocks Eligible

6.—(1) This Scheme shall apply to regular breeding flocks of shearling and older ewes kept on hill land in Northern Ireland and managed in accordance with the requirements of paragraph 7 hereof which are flocks of either of the following descriptions:—

Standard Rate Flocks—that is to say, breeding flocks of shearling and older ewes referred to in (*a*) and (*b*) of paragraph 5 which are kept (*a*) in regular ages so that there are at least three successive age groups, the youngest age group consisting of shearling ewes, and the two succeeding age groups consisting of ewes born respectively in the two lambing seasons preceding that in which the shearling ewes were born, and (*b*) so that a sufficient number of ewe lambs of eligible breeds are bred, reared and retained in the flock annually to maintain the number of breeding sheep in the flock without the introduction of ewes or ewe lambs from outside the flock—

Provided that if the person maintaining the flock satisfies the Minister that any of the conditions set out above have not been fulfilled because of the small size of a flock, its recent formation, unavoidable and abnormal losses, or other exceptional circumstances, the flock may be treated as a Standard Rate Flock.

Reduced Rate Flocks—that is to say, flocks of an eligible breed referred to in paragraph 5 not being standard rate flocks, which otherwise satisfy the conditions of this Scheme, including flocks containing sheep to which this Scheme applies in which a substantial number of the shearling and older ewes are mated with rams of the Border Leicester or Kerry Hill breeds for the production of cross-bred ewes or lambs for sale and in which the breeding flock of eligible ewes is maintained in whole or in part by the purchase of ewes, shearling ewes or ewe lambs.

(2) The minimum number of eligible breeding shearling and older ewes required to constitute a flock shall be four.

Management

7. It shall be a condition of the making of a subsidy payment in respect of any ewe or shearling ewe that it shall be one of a flock—

(*a*) which except during severe weather or at lambing time is kept on hill land under natural conditions in accordance with the recognised practices of hill sheep farming in Northern Ireland, and

(*b*) which lives on the hill land by grazing and receives supplementary feeding only during the winter or at lambing time.

Flying Flocks

8. No shearling or older ewe comprised in a flock in which a substantial proportion of the shearling and older ewes are kept for less than two breeding seasons shall be eligible for a subsidy payment.

Eligibility for Subsidy in respect of both Standard and Reduced Rate Flocks

9. Subsidy payments shall not be paid in respect of sheep in a standard rate flock as well as in respect of sheep in a reduced rate flock unless shearling and older ewes running with a ram of the Blackface, Cheviot or other approved breed are kept separate from shearling and older ewes running with a Border Leicester or Kerry Hill ram.

Reduction in number of Sheep eligible for Subsidy Payments on Dispersal of Flock

10. If at any time between the relevant day in any year and the 1st June next following the person who maintains a flock of sheep to which the Scheme applies, sells or otherwise disperses his flock, and in the opinion of the Minister the number of shearling and older ewes for which application for subsidy payments has been made exceeds the number which would have been eligible if the flock had not been dispersed, the Minister may reduce the number of shearling and older ewes in respect of which subsidy payments may be made to the number which would have been eligible if the flock had not been dispersed.

Improved land

11. If land has been improved to an extent which renders it suitable for use for the maintenance of sheep of breeds other than those specified in paragraph 5, such land may be regarded as hill land for the purposes of the Scheme if the Minister is satisfied that the land in its original and unimproved state was suitable only for the maintenance of hardy sheep of the breeds referred to in (*a*) and (*b*) of paragraph 5 of this Scheme.

Overstocking of hill land

12. Payment of subsidy shall not be made under this Scheme for any shearling and older ewes in excess of the number which, in the opinion of the Minister, could properly be maintained on the area of hill land which an applicant for subsidy payments is entitled to use for the maintenance of sheep.

13. Every person who makes application for hill sheep subsidy shall, if required to do so, satisfy the Minister that he is entitled to use the hill grazings on which his sheep were kept.

Computation of Numbers of Sheep

14. In any case where it appears to the Minister to be advisable for the better computation of the number of shearling and older ewes in respect of which subsidy payments may be made, the Minister may require an applicant for subsidy payments to gather the sheep in respect of which he has applied and to permit them to be inspected and counted by an officer authorised by the Minister and the number of eligible shearling and older ewes in respect of which subsidy may be paid shall be determined as the result of such count.

Application for Subsidy Payment

15. It shall be a condition of the making of a subsidy payment under this Scheme that any person who desires to be paid in accordance with the provisions of this Scheme shall apply in writing in such form and at such time as the Minister may require.

Inspection of Flocks for which Subsidy Payment is claimed

16. No subsidy payment shall be made under the terms of this Scheme until the flock of sheep for which application for payment is made has been inspected by an officer authorised by the Minister.

Prohibition of Assignment of Subsidy Payments

17. Any reference in this Scheme to the person who was maintaining a flock of sheep at the beginning of a relevant day shall be construed as including a reference to the person who, if any subsidy payment which might lawfully be made under this Scheme in respect of shearling and older ewes comprised in the flock were a debt which had at the beginning of that day accrued due to the person maintaining the flock, would have been entitled to claim the payment otherwise than by virtue of an assignment.

Revocation

18. The Hill Sheep (Northern Ireland) Scheme, 1955(a), is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food, is hereunto affixed this twenty-eighth day of March, nineteen hundred and sixty.

(L.S.)

John Hare,
Minister of Agriculture,
Fisheries and Food.

We approve this thirty-first day of March, nineteen hundred and sixty.

R. Brooman-White,
P. E. O. Bryan,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

The Hill Farming Act, 1946, as extended by the Hill Farming Act, 1956 provides that schemes may be made for subsidy payments in respect of hill sheep. This Scheme re-enacts with minor amendments the Hill Sheep (Northern Ireland) Scheme, 1955. It is made by the Minister of Agriculture, Fisheries and Food with the approval of the Treasury and makes provision for subsidy payments in respect of flocks of ewes of mountain breeds kept on hill land in Northern Ireland in accordance with the recognised practices of hill sheep farming. It defines "hill land" and the description of sheep and flocks to which the Scheme applies. The Scheme also sets out the conditions under which the sheep must be kept and contains consequential provisions against overstocking, and provides for the making of applications for subsidy payments, the counting of the number of sheep qualifying for subsidy payments, and other matters. The Scheme does not fix the amount to be paid by way of subsidy payment which the Hill Farming Act, 1946, requires the Minister to prescribe in a separate Order; the amount for the season 1959/60 is fixed by the Hill Sheep Subsidy Payment (Northern Ireland) Order, 1960 (S.I. 1960/659).

(a) S.I. 1955/680 1955 I, p. 114).